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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,084

10/31/2003

Tatsuhiko Tanimura

SHO-0051

9737

23353

7590

10/03/2006

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EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

115

Office Action Summary	Application No. 10/697,084	Applicant(s) TANIMURA ET AL.	
	Examiner Meagan Thomasson	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/04, 1/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of Okada, U.S. Patent No. 6,937,298. Although the conflicting claims are not identical, they are not patentably distinct from each other because the new features of the invention as claimed by the applicant are not new, novel, or un-obvious over the existing U.S. Patent No. 6,938,298.

Okada discloses a gaming machine comprising "a liquid crystal panel and a light guiding plate", wherein said light guiding plate is "disposed at a rear of the liquid crystal panel" to "guide light emitted from an illumination means (claim 1, column 10, lines 34-

40). In addition, Okada discloses a variable display device, namely a slot machine reel, disposed at the rear of the liquid crystal display in claim 1, column 10, lines 41-45.

Regarding the limitation of a cutout or recess in the liquid crystal display, figure 3, figure 4, and figure 7 disclose said cutout, as well as in lines 1-5 of column 7, stating "The left, center, and right reel display windows 4L, 4C, and 4R correspond to the left, center, and right reels 3L, 3C, and 3R respectively, and are formed as cutouts ... for allowing incident light to pass through". An end face of the cutout or the recess as being applied with a light scattering process is disclosed in figure 7, as well as in lines 39-43, stating "the light emission means can be not only placed above and below the reel display windows 4L, 4C, and 4R, but also placed in the surroundings of the reel display windows 4L, 4C, and 4R.

In addition, Satoh et al. (US Patent No. 6,811,271) discloses an illumination unit for reels of a slot machine comprising "a transparent frame member 10 placed in the rear side of a symbol display window of a slot machine and in front of a plurality of reels 14 each with a plurality of symbols provided on the peripheral surface. The transparent frame member 10 has a front face 10a and a rear face 10b as main faces and side end faces 10c connecting them. It is formed with through holes 10d as many as the number of the reels so as to penetrate the frame member 10 from the front face 10a the rear face 10b" (column 3, line 59 through column 4, line 2). Further, Satoh et al. discloses that "an inner end face 10e of each through hole 10d connecting both the openings is a slope widening toward the front face 10a, as shown in FIGS. 1 and 2. The surface of each inner end face 10e is a light scatter face" (column 4, lines 7-10), and that the inner

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face may be shaped in various formations to scatter light (column 4, lines 62-67).

Therefore, although not explicitly claimed by Okada, the limitations describing a cutout in the liquid crystal display and the application of light to an end face of the cutout is not new, novel, or un-obvious.

Regarding claim 3, the limitation that the gamine machine of claim 1 feature a part of at least one of the plurality of reels as being inserted into the cutout or recess, Okada discloses the liquid crystal display as being positioned in front of the plurality of reels. Also, Satoh et al. (US Patent No. 6,811,273) discloses "the illumination unit has a transparent frame member 10 placed in the rear side of a symbol display window of a slot machine and in front of a plurality of reels" (column 3, lines 59-63). However, inserting at least one of the plurality of reels into the cutout or recess does not provide any known advantage over disposing the plurality of reels behind the liquid crystal display and is therefore not new, novel, or un-obvious.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

- Okada (US 4,718,672) discloses a slot machine featuring a liquid crystal display panel.
- Okada (US 7,097,560) discloses a gaming apparatus with a variable display unit and concealing unit to temporarily conceal the variable display unit.

- Uchiyama et al. (US 6,638,165) discloses a virtual image/real image superimposing and display apparatus, and slot machine.
- Hagiwara (US 5,580,055) discloses an amusement device and selectively enhanced display for the same.
- Davids (US 4,517,558) discloses a three-dimensional video screen display effect.
- Paulsen et al. (US 2003/0060269) discloses a gaming machine reel having a flexible dynamic display.
- Ozaki et al. (US 2001/0031658) discloses a pattern display device and game machine including the same.
- Inoue (US 6,715,756) discloses a symbol display device for a game machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

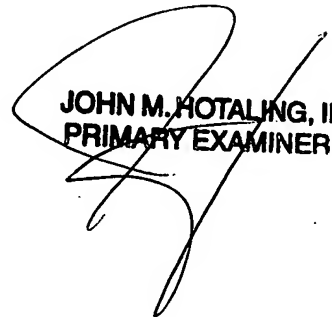
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
25 September, 2006



JOHN M. HOTALING, II
PRIMARY EXAMINER